

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CONFEDERATED TRIBES AND BANDS OF  
THE YAKAMA NATION, a federally-  
recognized Indian tribal  
government and as *parens patriae*  
on behalf of the Enrolled Members  
of the Confederated Tribes and  
Bands of the Yakama Nation;  
FRIENDS OF THE COLUMBIA GORGE, a  
non-profit corporation; NORTHWEST  
ENVIRONMENTAL DEFENSE CENTER, a  
non-profit corporation; COLUMBIA  
RIVERKEEPER, a non-profit  
corporation; DAWN STOVER, a  
Washington resident; and DANIEL  
LICHTENWALD, a Washington  
resident,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
AGRICULTURE, UNITED STATES  
DEPARTMENT OF AGRICULTURE ANIMAL  
AND PLANT HEALTH INSPECTION  
SERVICE; TOM VILSACK, Secretary  
of the United States Department  
of Agriculture; and CINDY SMITH,  
Administrator of the United  
States Department of Agriculture  
Animal and Plant Health  
Inspection Service,

Defendants.

No. CV-10-3050-EFS

**ORDER GRANTING NON-TRIBAL  
PLAINTIFFS AND DEFENDANTS'  
JOINT MOTION TO DISMISS BY  
COURT ORDER**

By joint motion filed October 27, 2011, Plaintiffs Friends of  
Columbia Gorge, Northwest Environmental Defense Center, Columbia

1 Riverkeeper, Dawn Stover, and Daniel Lichtenwald (collectively "Non-  
2 Tribal Plaintiffs") and all Defendants agree that the Non-Tribal  
3 Plaintiffs' claims against Defendants may be dismissed without prejudice  
4 pursuant to Federal Rule of Civil Procedure 41(a)(2). ECF No. [108](#).  
5 Accordingly, **IT IS HEREBY ORDERED:**

6 1. The Non-Tribal Plaintiffs and Defendants' Joint Motion to  
7 Dismiss by Court Order, **ECF No. [108](#)**, is **GRANTED**.

8 2. The Non-Tribal Plaintiffs' claims are **DISMISSED** without  
9 prejudice.

10 3. The case caption is **AMENDED** as follows:

11 CONFEDERATED TRIBES AND BANDS OF THE YAKAMA NATION, a  
12 federally-recognized Indian tribal government and as  
*parens patriae* on behalf of the Enrolled Members of the  
13 Confederated Tribes and Bands of the Yakama Nation,

14 Plaintiff,

15 v.

16 UNITED STATES DEPARTMENT OF AGRICULTURE, UNITED STATES  
17 DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH  
18 INSPECTION SERVICE; TOM VILSACK, Secretary of the United  
States Department of Agriculture; and CINDY SMITH,  
Administrator of the United States Department of  
Agriculture Animal and Plant Health Inspection Service,

19 Defendants.

20 **IT IS SO ORDERED.** The District Court Executive is hereby directed  
21 to enter this Order and furnish copies to counsel.

22 **DATED** this 28th day of October 2011.

23  
24 s/ Edward F. Shea

EDWARD F. SHEA

25 UNITED STATES DISTRICT JUDGE

26 Q:\Civil\2010\3050.nont.settle.lcl.frm